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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,120	03/26/2004	David W. Nicholas	45038-296550	9199
23370	7590	09/25/2006		
JOHN S. PRATT, ESQ KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET ATLANTA, GA 30309				
EXAMINER PHAM, MINH CHAU THI				
ART UNIT		PAPER NUMBER		
1724				

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/811,120

Applicant(s)

NICHOLAS ET AL.

Examiner

Minh-Chau T. Pham

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/20/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 7-15, 17-22 and 24-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Engelland et al (2004/0221555 A1).

Engelland et al teach a method for mounting an air circulation component (30) to an air circulation system (10) comprising the steps of providing a notch (see 68, 121 in Fig. 6, 67, 69, 120 in Fig. 7, page 4, paragraphs 0061-0063) associated with a leading portion of an air circulation component (30), providing a guide (page 4, paragraphs 0072-0074) associated with the air circulation system (10) wherein the guide comprises a load bearing surface, and positioning the air circulation component (30) with respect to the air circulation system (10) such that a portion of the contact surface is adjacent to a portion of the load bearing surface, and a portion of the weight of the air circulation component (30) is transferred from the contact surface to the load bearing surface (see Figs. 4-8, page 5, paragraph 0076). Engelland et al further teach the air circulation component comprising at least a filter (30) or a filter (30) containing filtration media (31), and a gripping device associated with the apparatus (88 in Fig. 4, page 4, paragraph 0069).

Claims 5, 6, 16 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engelland et al (2004/0221555 A1), in view of Reinhold (6,540,806 B2).

Claims 5, 6, 16 and 23 call for microbumps adapted to be in contact with a portion of the contact surface. Reinhold discloses microbump (see 21 in Fig. 1) wherein the microbump (21) is in contact with a portion of the contact surface of housing shell (12, 12a). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide microbumps as taught by Reinhold in the apparatus of Engelland et al to facilitate efficient sealing of the raw air space relative to the clean air space of the apparatus.

Response to Amendment

Applicant's arguments filed on May 16, 2006 have been fully considered but they are not persuasive.

Applicant argues that "the cited reference Perry does not disclose a guide associated with an air circulation system wherein the guide comprises a load bearing surface, and the cited reference Hammes does not disclose a notch associated with a leading portion of an air circulation component, wherein the notch comprises a contact surface". The Examiner now drops all of the cited prior art references Perry, Hammes and Marchart et al, and newly introduces Engelland et al as the primary reference for the 102(e) rejection of claims 1-4, 7-15, 17-22 and 24-27 to show: a method for mounting an air circulation component (30) to an air circulation system (10) comprising the steps of providing a notch (see 68, 121 in Fig. 6, 67, 69, 120 in Fig. 7, page 4,

paragraphs 0061-0063) associated with a leading portion of an air circulation component (30), providing a guide (page 4, paragraphs 0072-0074) associated with the air circulation system (10) wherein the guide comprises a load bearing surface, and positioning the air circulation component (30) with respect to the air circulation system (10) such that a portion of the contact surface is adjacent to a portion of the load bearing surface, and a portion of the weight of the air circulation component (30) is transferred from the contact surface to the load bearing surface (see Figs. 4-8, page 5, paragraph 0076), as claimed.

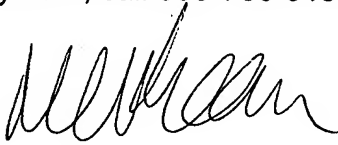
The Examiner also introduces Reinhold as the secondary reference in combination with Engelland et al under the 103(a) rejection of claims 5, 6, 16 and 23 to show: microbump (see 21 in Fig. 1) wherein the microbump (21) is in contact with a portion of the contact surface of housing shell (12, 12a). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide microbumps as taught by Reinhold in the apparatus of Engelland et al to facilitate efficient sealing of the raw air space relative to the clean air space of the apparatus.

Applicant's arguments with respect to claims 1-27 have been thoroughly considered but are moot in view of the new ground(s) of rejection, as discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Minh-Chau Pham
Patent Examiner
Art Unit: 1724
September 22, 2006